

NETLIST, INC.,

VS.

Defendants.

JURY TRIAL DEMANDED

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I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn LLP, counsel of record for Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Micron”) in the above captioned matter. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron’s Motion for Summary Judgment of No Pre-Suit Damages.

2. Attached as Exhibit 1 is a true and correct copy of a document produced in this case, bearing bates numbers NL-MIC-203_00042010 – NL-MIC-203_00042043.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from Mr. David Kennedy’s expert report in this case, dated October 4, 2023.

4. Attached as Exhibit 3 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203_00042085 – NL-MIC-203_00042147.

5. Attached as Exhibit 4 is a true and correct copy of a document produced in this case, [REDACTED]

[REDACTED] and bearing Bates numbers NL-MIC-203_00042083 – NL-MIC-203_00042084.

6. Attached as Exhibit 5 is a true and correct copy of a document produced in this case, [REDACTED]

[REDACTED] and bearing Bates numbers NL-MIC-203-463_00030723 – NL-MIC-203-463_00030741 (NETLIST_SAMSUNG_EDTX00037749 – NETLIST_SAMSUNG_EDTX00037767).

7. Attached as Exhibit 6 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203-463_00030743 – NL-MIC-203-463_00030755.

[REDACTED]

8. Attached as Exhibit 7 is a true and correct copy of a document produced in this case, [REDACTED]

[REDACTED] bearing Bates numbers NL-MIC-203_00030433 – NL-MIC-203_00030436.

9. Attached as Exhibit 8 is a true and correct copy of a document produced in this case, [REDACTED]

[REDACTED] bearing Bates number NL-MIC-203_00030437.

10. Attached as Exhibit 9 is a true and correct copy of [REDACTED]
[REDACTED].

11. Attached as Exhibit 10 is a true and correct copy of excerpts of Netlist's third supplemental responses and objections to Micron's first set of interrogatories, dated September 20, 2023.

12. Attached as Exhibit 11 is a true and correct copy of excerpts of Netlist's first supplemental responses and objections to Micron's second set of interrogatories, dated September 20, 2023.

13. Attached as Exhibit 12 is a true and correct copy of excerpts of the deposition transcript of [REDACTED] the deposition taken September 13, 2023.

14. Attached as Exhibit 13 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203-463_00030757 – NL-MIC-203-463_00030758.

15. Attached as Exhibit 14 is a true and correct copy of excerpts of the October 23, 2023 motion hearing transcript before Judge Payne.



I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct.

Executed on November 14, 2023, in Redwood City, California.

/s/ Michael R. Rueckheim

Michael R. Rueckheim